

Final Rule

LSA Document #15-152(F)

DIGEST

Adds [410 IAC 35](#) to add definitions and specify the disposal standards to be used by abortion clinics and health care facilities to dispose of aborted fetuses. Effective January 1, 2016.

**410 IAC 35**

SECTION 1. [410 IAC 35](#) IS ADDED TO READ AS FOLLOWS:

**ARTICLE 35. DISPOSITION OF ABORTED REMAINS**

**Rule 1. Definitions**

**410 IAC 35-1-1 Applicability**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-34-3](#)

**Sec. 1. The definitions in this rule apply throughout this article.**

(Indiana State Department of Health; [410 IAC 35-1-1](#); filed Nov 16, 2015, 12:46 p.m.:  
[20151216-IR-410150152FRA](#), eff Jan 1, 2016)

**410 IAC 35-1-2 "Abortion" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-18-2-1](#); [IC 16-34-3](#)

**Sec. 2. "Abortion" has the meaning set forth in [IC 16-18-2-1](#).**

(Indiana State Department of Health; [410 IAC 35-1-2](#); filed Nov 16, 2015, 12:46 p.m.:  
[20151216-IR-410150152FRA](#), eff Jan 1, 2016)

**410 IAC 35-1-3 "Cremation" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-34-3](#); [IC 16-41-16](#)

**Sec. 3. "Cremation" means incineration by a crematory, or incineration as authorized for infectious and pathological waste under [IC 16-41-16](#) and [410 IAC 1-3](#).**

(Indiana State Department of Health; [410 IAC 35-1-3](#); filed Nov 16, 2015, 12:46 p.m.:  
[20151216-IR-410150152FRA](#), eff Jan 1, 2016)

**410 IAC 35-1-4 "Facility" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)

Affected: [IC 16-18-2-163](#); [IC 16-21](#); [IC 16-34-3](#)

**Sec. 4. "Facility" means the following:**

(1) A hospital licensed under [IC 16-21](#).

(2) An ambulatory outpatient surgical center licensed under [IC 16-21](#).

(3) Any other health care provider, as defined in [IC 16-18-2-163\(d\)\(1\)](#), required to be licensed as an abortion clinic under [IC 16-21](#).

(Indiana State Department of Health; [410 IAC 35-1-4](#); filed Nov 16, 2015, 12:46 p.m.:  
[20151216-IR-410150152FRA](#), eff Jan 1, 2016)

**410 IAC 35-1-5 "Fetus" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)  
Affected: [IC 16-18-2-128.7](#); [IC 16-34-3](#)

**Sec. 5. "Fetus" has the meaning set forth in [IC 16-18-2-128.7](#).**

(Indiana State Department of Health; [410 IAC 35-1-5](#); filed Nov 16, 2015, 12:46 p.m.:  
[20151216-IR-410150152FRA](#), eff Jan 1, 2016)

**410 IAC 35-1-6 "Infectious waste" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)  
Affected: [IC 16-34-3](#); [IC 16-41-16-4](#)

**Sec. 6. "Infectious waste" has the meaning set forth in [IC 16-41-16-4](#).**

(Indiana State Department of Health; [410 IAC 35-1-6](#); filed Nov 16, 2015, 12:46 p.m.:  
[20151216-IR-410150152FRA](#), eff Jan 1, 2016)

**410 IAC 35-1-7 "Pathological waste" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)  
Affected: [IC 16-34-3](#); [IC 16-41-16-5](#)

**Sec. 7. "Pathological waste" has the meaning set forth in [IC 16-41-16-5](#).**

(Indiana State Department of Health; [410 IAC 35-1-7](#); filed Nov 16, 2015, 12:46 p.m.:  
[20151216-IR-410150152FRA](#), eff Jan 1, 2016)

**Rule 2. Disposition of Aborted Remains**

**410 IAC 35-2-1 Disposition of aborted remains**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-31](#); [IC 16-21-1-7](#)  
Affected: [IC 16-34-3](#); [IC 23-14-34](#)

**Sec. 1. (a) Each facility shall provide for the disposition of an aborted fetus by any of the following methods:**

- (1) In the earth in an established cemetery pursuant to [IC 23-14-34](#).
- (2) Cremation.

**(b) The facility must have written policies and procedures for the available method or methods of disposition of aborted fetuses.**

**(c) The facility must maintain evidentiary documentation demonstrating the date and method of disposition for each aborted fetus.**

**(d) This article does not apply when the patient elects to receive the aborted fetus pursuant to [IC 16-34-3](#).**

(Indiana State Department of Health; [410 IAC 35-2-1](#); filed Nov 16, 2015, 12:46 p.m.:  
[20151216-IR-410150152FRA](#), eff Jan 1, 2016)

SECTION 2. SECTION 1 of this document takes effective January 1, 2016.

LSA Document #15-152(F)

Notice of Intent: [20150527-IR-410150152NIA](#)

Proposed Rule: [20150826-IR-410150152PRA](#)

Hearing Held: September 17, 2015

Approved by Attorney General: October 30, 2015

Approved by Governor: November 13, 2015

Filed with Publisher: November 16, 2015, 12:46 p.m.

Documents Incorporated by Reference: None Received by Publisher

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Posted: 12/16/2015 by Legislative Services Agency

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